

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE:

GIUSEPPE B. PALIOTTA

Debtors

Case No.: 08-10505

Chapter 13

MOTION FOR RELIEF FROM AUTOMATIC STAY

TO THE HONORABLE ARTHUR N. VOTOLATO:

GRP Loan, LLC together with its predecessors, successors and assigns
("Movant"), your moving party in the within Motion, respectfully represents as follows:

1. Movant is an entity with an address of 445 Hamilton Avenue, 8th Floor, White Plains, NY.
2. The debtor, Giuseppe B. Paliotta is an individual who resides at 105 Princess Avenue, Cranston, RI 02920.
3. The co-debtors, Anna A. Pailotta and Bruce Paliotta (the "Co-Debtors, together with Giuseppe B. Paliotta, the "Obligors") are individuals who reside at 105 Princess Avenue, Cranston, RI 02910.
4. The Obligors are obligors pursuant to promissory note (the "Note") dated May 19, 2006, in an original principal amount of \$250,000.00. A copy of the Note is annexed as Exhibit "A".
5. To secure the Note the Obligors executed in favor of, and delivered a mortgage to Mortgage Electronic Registration Systems, Inc. (the "Mortgage", together with the Note and any other loan documents executed in connection therewith, the "Loan Documents") dated May 19, 2006, securing the Note and encumbering the

property located at 105 Princess Avenue, Cranston, Rhode Island (the "Property"). A copy of the Mortgage is annexed as Exhibit "B".

6. There is no other collateral to secure the Note.

7. Movant is the current holder in due course of the Loan Documents by virtue of an assignment dated November 17, 2006, which is annexed as Exhibit "C".

8. On February 26, 2008, the Debtor filed a petition under Chapter 13 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Rhode Island.

9. As of May 22, 2008, the total amount due and owing pursuant to the Loan Documents was \$289,910.50 in principal, accrued interest, late charges, miscellaneous fees, and attorneys' fee and costs, plus any additional interest, attorneys' fees, costs or expenses.

10. There is a pre-petition arrearage in the amount of \$37,109.54 due and owing under the Loan Documents.

11. As of June 17, 2008, there is a post-petition payment arrearage owing under the Loan Documents for the May 2008 and June 2008 payments of \$4,295.80 and late charges of \$257.74, for a total post-petition arrearage of \$4,553.54. This amount is exclusive of attorneys' fees, costs, and expenses in connection with this Motion.

12. The regular monthly payment due at this time is approximately \$2,147.90.

13. According to information obtained from the municipality in which the property is located, there are outstanding real estate taxes owing on the Property for the calendar years 2006 and 2007 in the total approximate amount of \$9,668.20, plus interest.

14. The total amount of encumbrances on the Property is approximately

\$299,578.70

15. The Debtor's Schedules list a fair market value for the Property of \$280,000.00.

16. For purposes of this Motion only, Movant asserts that the liquidation value of the Property is \$261,530.00, calculated at the Debtor's value less a reasonable realtor's fee of 6%; deed stamps; and costs incurred in a real estate closing estimated to be \$550.00.

17. There is no equity in the Property based upon the Debtor's scheduled value.

18. Movant seeks relief from the automatic stay pursuant to 11 U.S.C. §362(d)(1) for cause on the basis that the Obligors are in default of their post-petition payment obligations resulting in an arrearage owing under the Loan Documents.

19. Movant seeks relief from the automatic stay pursuant to 11 U.S.C. §362(d)(2) as there is no equity in the Property based upon the Debtor's scheduled value and it is not necessary for an effective reorganization.

WHEREFORE, Movant requests that the Court:

(1) grant relief from the section 362 automatic stay and the stay imposed by Bankruptcy Procedure 4001(a)(3) for the purpose of exercising its various non-bankruptcy rights and remedies including, without limitation:

a. taking possession of the Property, obtaining a deed-in-lieu of foreclosure and/or foreclosing the Mortgage

b. taking such action as may be necessary to evict the Debtor or any occupant from the Property.

(2) order such other and further relief as may be just and proper.

MOVANT

By Its Attorney,

/s/ Thomas E. Carlotto

Thomas E. Carlotto #6088

Shechtman Halperin Savage, LLP

1080 Main Street

Pawtucket, Rhode Island 02860

(401) 272-1400 phone

(401) 272-1403 fax

Dated: June 18, 2008

CERTIFICATE OF SERVICE

The undersigned does hereby certify that the Motion for Relief from Automatic Stay and the proposed Order were served upon the following parties by causing true and correct copies of the same to be sent via electronic notice or via first class mail postage pre-paid, as indicated, on June 18, 2008:

Via Electronic Notice:

Office of the U.S. Trustee

John Boyajian, Esq., Trustee

John B. Ennis, Esq.
Debtor's counsel

Via First Class Mail:

City of Cranston
Tax Collector
869 Park Avenue
Cranston, RI 02910

Giuseppe B. Paliotta
105 Princess Avenue
Cranston, RI 02920
Debtor

Bruce Paliotta
105 Princess Avenue
Cranston, RI 02910
Co-Debtor

Anna A. Pailotta
105 Princess Avenue
Cranston, RI 02910
Co-Debtor

/s/ Thomas E. Carlotto